

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
 Plaintiff,)
vs.) No. 98-0149-02-CR-W-FJG
Xavier Lightfoot,) 00-0395-04-CR-W-FJG
 Defendant.)

ORDER

On Friday, August 5, 2005, the jury, having convicted defendant of Count III, announced it could not reach a verdict as to which penalty to impose, death or life imprisonment without release. Therefore, pursuant to the Federal Death Penalty Statute, this Court is obligated to impose the default sentence of life imprisonment without release. Preliminary to sentencing, the United States Department of Probation is ordered to provide the Court and counsel with a modified presentence report no later than September 8, 2005. Sentencing hearing will be held on September 30, 2005, at 9:30 a.m.

/s/Fernando J. Gaitan, Jr.
United States District Judge

Dated: August 8, 2005
Kansas City, Missouri